



NASA Policy Directive

NPD 1050.1G

Effective Date: November 13, 1998

Expiration Date: December 13, 2008

COMPLIANCE IS MANDATORY[Printable Format \(PDF\)](#)

Subject: Authority To Enter Into Space Act Agreements (NPD 1050.1G revalidated w/corrections 11/21/03)

Responsible Office: Office of the General Counsel

Also See

[Space Act Agreements Manual \(NASA Advisory Implementing Instructions\)](#)

1. Policy

It is NASA's policy to utilize the broad authority granted the Agency in the Space Act to further the Agency's missions. Space Act Agreements constitute commitments by the Agency of resources to accomplish a joint undertaking with an agreement partner who can be a U.S. person or entity, state and local governmental unit, an educational institution, a foreign government or its instrumentality, or other unit of the Executive Branch. The Space Act provides authority for reimbursable, nonreimbursable, or funded agreements.

To ensure that these agreements are effectively utilized and strategically managed, the following principles shall be applied:

a. Reimbursable agreements are agreements where all or [substantially all] of a portion of the NASA costs associated with the undertaking are born by the non-NASA partner. NASA undertakes reimbursable agreements when it has unique goods and services, excess to mission needs, which it can make available to others in a manner that does not interfere with NASA mission requirements. NASA does not compete with the private sector in the provisions of goods and services; therefore, those requesting that NASA undertake reimbursable activities bear the burden of establishing that they cannot obtain equivalent goods or services from the private sector. All reimbursable agreements are subject to the provisions of Financial Management Manual (FMM) 9090. Before a reimbursable agreement is executed, a cost estimate for the undertaking must be prepared. No work in furtherance of a reimbursable Space Act Agreement can be undertaken until payment for that work is received by the Agency. However, if the reimbursable agreement is with another Executive Branch agency, payment may be in advance or upon provision of the goods or services. All reimbursable agreements are subject to U.S. Federal law.

b. Nonreimbursable agreements involve NASA and one or more agreement partners in a mutually beneficial activity that furthers the Agency's mission, where each side bears the cost of its participation and there is no exchange of funds between the partners. Since nonreimbursable agreements involve the commitment of NASA resources, there must be a NASA mission or program requirement for entering into the agreement, and the respective contributions of the non-NASA party must be adequate under the circumstances. Before a nonreimbursable agreement is executed, a cost-accounting estimate, of the value of the NASA resource to be committed under the agreement, must be prepared so that the authorizing official has a basis for finding that the proposed contribution of the non-NASA party represents an adequate quid pro quo in light of the NASA purpose to be served and the NASA resources to be committed. Except for international Space Act Agreements, nonreimbursable agreements are subject to U.S. law.

c. For the purpose of this Directive, the term "Funded Space Act Agreement" refers only to an agreement under which appropriated funds will be transferred to a domestic agreement partner to accomplish an Agency mission, but whose objective cannot be accomplished by the use of a contract, grant, or Chiles Act cooperative agreement. This limitation is important to avoid confusion, overlap, and inconsistent practice that could jeopardize all NASA agreement practices. All funded Space Act Agreements are subject to U.S. law.

d. International Space Act Agreements are reimbursable or nonreimbursable Space Act Agreements where the agreement partner is not a U.S. person or entity. The Case-Zablocki Act (1 U.S.C. § 112 (b)) provides certain additional procedural requirements for significant international agreements where the agreement partner is a foreign

government or international organization within the meaning of that statute. Case-Zablocki and nonreimbursable international Space Act Agreements are subject to international law and may require procedural review by other elements of the U.S. Government. Initiation, execution, and implementation of international Space Act Agreements must also comply with the requirements of NPD 1360.2 and the policy guidelines found in the NASA Export Control Program. Significant international agreements must be signed by the Administrator or a specific designee who reports directly to the Administrator.

e. All Space Act Agreements must include the following provisions:

- (1) NASA will use reasonable efforts to perform its responsibilities in the agreement;
- (2) NASA's performance of the agreement is subject to the availability of appropriated funds and that nothing in the agreement obliges the U.S. Congress to appropriate funds for the undertaking;
- (3) Risks are allocated between the parties to the agreement;
- (4) Intellectual property rights implicated by or created under the agreement are allocated;
- (5) Termination rights and fixed terms are established in the agreement; and
- (6) Responsibilities or performance milestones are stated with sufficient clarity so that accurate cost estimates can be prepared and management planning can occur.

2. Applicability

This NASA Policy Directive applies to NASA Headquarters and NASA Centers, including Component Facilities.

3. Authority

42 U.S.C. § 2473(c), 42 U.S.C. § 2475, sections 203(c) and 205 of the National Aeronautics and Space Act of 1958, as amended.

4. References

- a. NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautics Programs.
- b. NASA Financial Management Manual (FMM) 9090.
- c. 31 U.S.C. § 6301, et seq. - Chiles Act.
- d. 14 Code of Federal Regulations (CFR) Part 1260, Grants and Cooperative Agreements.
- e. NPG 5800.1, Grant and Cooperative Agreement Handbook.
- f. October 25, 1995, Administrator's Statement on Export Control and NASA Export Control Program.
- g. 1 U.S.C. § 112(b) - The Case-Zablocki Act.
- h. NPG 1050.1, Space Act Agreements.
- i. 48 CFR Subpart 1817.70, Acquisitions with Military Departments.

5. Responsibility

a. The Enterprise Associate Administrators, Officials-in-Charge of Headquarters Offices, the Directors of NASA's Centers, and the Manager of the NASA Management Office-Jet Propulsion Laboratory (NMO-JPL), within their area of jurisdiction, are responsible for negotiating, amending, executing, and terminating reimbursable, nonreimbursable, and funded Space Act Agreements, except for International Space Act Agreements. Consistent with the NASA Strategic Plan, Enterprise Associate Administrators will establish guidelines for exercising this authority with the Centers carrying out their programs.

b. The NASA Chief Financial Officer (CFO) or designee, along with the Centers' CFO's or designees, are responsible for developing guidelines consistent with the Agency's cost accounting system and budget development procedures to ensure fiscal integrity in the Agency's utilization of Space Act Agreements. The Comptroller for Headquarters and each Center's CFO will review all cost estimates prepared for any Space Act Agreement, assign an Agreement Number (AN) to each agreement, and shall establish and maintain a reporting and tracking system utilizing the AN for agreements reviewed by them.

c. The Assistant Administrator for External Relations is responsible for negotiating, amending, executing, and terminating International Space Act Agreements. Consistent with the NASA Strategic Plan and applicable statutes, regulations, and guidelines, the Assistant Administrator for External Relations will establish with the Enterprise

Associate Administrators, Officials-in-Charge of Headquarters Offices, and Center Directors those circumstances under which the designees at Headquarters or Centers may appropriately negotiate, amend, execute, or terminate International Space Act Agreements.

d. The Agency General Counsel or the Center Chief Counsel is responsible for reviewing all Space Act Agreements to ensure compliance with applicable statutes, regulations, and policies.

e. The foregoing officials shall exercise their responsibilities, consistent with Agency budget and accounting guidelines.

f. The Officials authorized to exercise the foregoing responsibilities may redelegate those responsibilities by designating any NASA employee. Such designation must be in writing and indicate the extent of the delegation.

g. Any NASA employee negotiating, amending, executing, or terminating any Space Act Agreement is responsible for ensuring that the agreements he/she authorizes comply with Agency policy and procedures, including those set out in NPG 1050.1, and for maintaining a copy of final Space Act Agreements.

h. Nothing in this NPD shall affect, in any way, the authority of the Assistant Administrator for Procurement concerning grants and cooperative agreements, as set forth at 14 CFR Part 1260 and in NPG 5800.1.

6. Delegation of Authority

None.

7. Measurements

None.

8. Cancellation

NMI 1050.1E, dated December 12, 1991; NMI 1050.3J, dated December 12, 1991; NMI 1050.9A, dated December 13, 1991;

NMI 8610.16A, dated December 14, 1991; April 25, 1996, further Delegation for Joint Sponsored Research Projects.

Revalidated 11/21/03, originald signed by

**/s/ Daniel S. Goldin
Administrator**

Attachment A: (Text)

None.

(URL for Graphic)

None.

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